

## REMARKS/ARGUMENTS

### Status

No claims have been added or canceled. Claims 32-59 remain for consideration.

### Claim History

The Examiner rejected claims 32-35, 40-44 under 35 U.S.C. § 103 over Iwata in view of Lee. The Examiner rejected claims 36-39 under 35 U.S.C. § 103 over Iwata in view of Lee and in further view of Sridhar. The Examiner rejected claims 45 under 35 U.S.C. § 103 over Iwata in view of Lee and in further view of Lieu et al. The Examiner rejected claims 46 under 35 U.S.C. § 103 over Iwata in view of Lee and in further view of Gangadharan. The Examiner rejected claims 47 under 35 U.S.C. § 103 over Iwata in view of Lee and in further view of Linzy. The Examiner rejected claims 48, 53, 57-58 under 35 U.S.C. § 103 over Iwata. The Examiner rejected claims 59, 54, 59 under 35 U.S.C. § 103 over Iwata in view of Hauris et al. The Examiner rejected claims 50, 51, 55 and 56 under 35 U.S.C. § 103 over Iwata in view of Sridhar et al. The Examiner rejected claims 52 under 35 U.S.C. § 103 over Iwata in view of Sridhar et al. and in further view of Hauris et al. These rejections are respectfully traversed.

The Iwata reference was discussed in the previous amendment and response and the Applicant incorporates those comments again here by reference. As shown on page 10 of the application at paragraph [0032], one goal in aggregating the link and publishing information is the ability to provide other nodes with the bandwidth available *on a single physical link* within the aggregated link so that other nodes know that that aggregate link (through the one physical link) is available to support a request as long as a one of the physical lines is available to carry out the request. This is not shown or taught in any of the

references. As discussed previously, at best Iwata tracks line capacity in a table, but does not broadcast this information, requiring additional steps by an external node prior to determining this information. Additionally, Iwata broadcasts, at best, the sum total capacity of all of the physical and virtual links, not the capacity of individual physical links. This may be insufficient information if the information to be transmitted must be sent over one physical link instead of simultaneous parallel links. Claim 32 requires, among other things, that the “maximum data transmission bandwidth available over a one of said plurality of physical lines within said first aggregated link.” As noted by the Examiner, this is not found in Iwata and no reference anticipates this recitation.

The Examiner cites Lee as allegedly showing this limitation of broadcasting a maximum capacity of a single physical line, and that allegedly Iwata combined with Lee would meet the limitations of claim 32. However, it is clear that Lee merely shows “distributing the bandwidth of the virtual links,” and not any one physical link within an aggregated link. Additionally, nowhere does Lee show the broadcast of the “maximum bandwidth *available*” at any current time. It appears that Lee is in fact showing bandwidth available over several parallel lines that reach the same destination and not a single physical line. In any case, Lee does not show the “maximum available bandwidth” across one physical line between two adjacent nodes, since the virtual paths can and do include intermediate nodes. See col. 6, lines 46-65. Additionally, whatever numbers Lee shows are “estimates.” See for instance Col. 7, lines 58-67. Therefore, even if Lee were combined with Iwata, only the virtual path bandwidth would be broadcast as there is no teaching showing the desirability or need to broadcast the individual physical line’s available maximum bandwidth. For at least this reason, claims 32-47 should be allowed over the art of record.

Claim 48 likewise requires "checking the physical line[ ] within said first aggregated link having the highest currently available bandwidth selected from the line status information for said plurality of physical lines." Iwata merely shows that an abstracted link may not be chosen if the aggregated capacity is insufficient. It does not show that the abstracted link will not be chosen if an individual physical link is not available with sufficient capacity. In an ATM environment, the information could certainly be sent in a number of parallel physical links until the capacity requirement was met. There is no teaching or suggestion that the individual link capacity maximum is a discriminatory test before sending information through a particular abstracted link, and one could certainly argue that if this were an important test, then the information would be broadcast to the other nodes to preclude such requests when the individual link capacity did not exist. For at least these reasons, claims 48-52 should be allowed over the art of record.

Claims 53 and 59 also requires that the information only be directed across an aggregated link if an individual link has the capacity to carry the requested bandwidth. For the same reason discussed with regard to claim 48, claims 53-59 should also be allowed. Neither of the secondary references to Sridhar or Hauris cures this defect. Sridhar merely is cited for showing at least two aggregation groups and Hauris for showing greedy algorithm. Neither teaches or shows the deficiency of broadcasting individual line capacities and transmitting only when a single physical line can carry the required capacity. Therefore, the claims should be allowed over the art of record.

## Summary

Applicants have made a diligent and bona fide effort to answer each and every ground for rejection or objection to the specification including the claims and to place the application in condition for final disposition. Reconsideration and further examination is respectfully requested, and for the foregoing reasons, Applicant respectfully submits that this application is in condition to be passed to issue and such action is earnestly solicited. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Robert N. Blackmon, Applicants' Attorney at 703-684-5633 to satisfactorily conclude the prosecution of this application.

No additional fees should be due with this amendment, however, authorization is granted to charge any additional or deficient fees or credit any overpayment for this filing to Deposit Account 50-0562.

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Respectfully submitted,



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